

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Stanley Hall,

Petitioner,

VS.

John Cooper, et al.

Respondents.

No. CV08-1637-PHX-SRB

ORDER

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 4 on December 18, 2008 asserting seven grounds for relief.

- (1) Petitioner's 2006 arrest and detention were an illegal search and seizure, in violation of the Fourth and Fourteenth Amendments;
- (2) Petitioner's Fourteenth Amendment rights were violated when he was coerced into signing a waiver of extradition, resulting in the 2006 extradition to Texas;
- (3) Petitioner's Eighth and Fourteenth Amendment rights were violated when he was denied due process during his September 2008, PSRB hearing because he was not allowed to be present;
- (4) Petitioner's Eighth and Fourteenth Amendment rights were violated when he was imprisoned in the 2008 prosecution without access to bond, access to

- 1 methods of outside communication, and was not allowed to be present at his
2 bond hearing;
- 3 (5) Petitioner's Sixth and Fourteenth Amendment rights were violated in the
4 September 2008 PSRB proceedings because he was not allowed to be present
5 during hearings or speak in his own defense and his appointed counsel failed
6 to prepare a defense;
- 7 (6) Petitioner's Fourth and Fourteenth Amendment rights were violated when his
8 counsel was ineffective in the course of the 2006 extradition proceedings; and
- 9 (7) Petitioner's First and Sixth Amendment rights were violated when the Arizona
10 Court of Appeals erred in failing to consider Plaintiff's claims challenging the
11 2008 PSRB decision.

12 Report and Recommendation (Doc. 116) at 4-5.

13 On March 18, 2009 Respondent Arpaio filed his answer and on April 3, 2009
14 Respondent Goddard filed his answer. Petitioner filed his reply on April 16, 2009. On June
15 3, 2009 Respondent Goddard filed a Supplemental Answer and Respondent Arpaio filed a
16 Joinder to that Supplemental Answer on June 3, 2009. Petitioner filed a Supplemental Reply
17 on June 17, 2009. On May 26, 2010, the Magistrate Judge issued his Report and
18 Recommendation recommending that Grounds 1, 2 and 6 of Petitioner's Amended Petition
19 for Writ of Habeas Corpus be dismissed with prejudice and remainder of the Petition be
20 dismissed without prejudice .

21 In his Report and Recommendation the Magistrate Judge advised the parties that they
22 had 10 days from the date of service of a copy of the Report and Recommendation within
23 which to file specific written objections with the Court. The time to file such objections has
24 expired and no objections to the Report and Recommendation have been filed.

25 The Court finds itself in agreement with the Report and Recommendation of the
26 Magistrate Judge.

27 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
28 as the order of this Court.

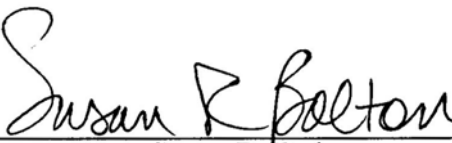
1 IT IS FURTHER ORDERED that Grounds 1, 2 and 6 of the Amended Petition for
2 Writ of Habeas Corpus are denied and dismissed with prejudice.

3 IT IS FURTHER ORDERED that the balance of the Amended Petition for Writ of
4 Habeas Corpus is dismissed without prejudice.

5 IT IS FURTHER ORDERED denying a Certificate of Appealability.

6 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

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8 DATED this 13th day of July, 2010.
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13 Susan R. Bolton
14 United States District Judge
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